देगा, यह सरकार को बताना था। ...(**व्यवधान**)... रक्षा मंत्री उत्तर देंगे या प्रधान मंत्री जी उत्तर देंगे। ...(**व्यवधान**)... मैं फिर रिपीट कर रहा हूं कि रक्षा मंत्री जी उत्तर देंगे या प्रधान मंत्री जी उत्तर देंगे, इसके बारे में बताना था। ...(**व्यवधान**)... प्रधान मंत्री जी उत्तर नहीं देंगे और रक्षा मंत्री जी उतेतर देंगे, यह सरकार को बताना था ...(**व्यवधान**)... सरकार ने इसके बारे में कभी नहीं बताया। ...(**व्यवधान**)...

श्रीमती सुषमा स्वाराज : सभापति महोदय, जार्ज साहब रक्षा मंत्री हैं। ...(**व्यवधान**)... सर, रक्षा मंत्री जी जवाब देंगे ।...(**व्यवधान**)...

श्री सभापति : सुरेश पचौरी जी, एक बात मैं आपको कहना चाहता हूं कि न तो मैं इनके प्रभाव में आऊंगा, न इनके दबाव में आऊंगा। मैं जो व्यवस्था है उसके आधार पर चलूंगा। चाहे सरकार कितना ही प्रयत्न कर ले, वह मुझे प्रभावित नहीं कर सकती है, चाहे कितना ही हा-हुल्लड़ हो जाए, मुझ पर दबाव नहीं आ सकता है। इसलिए जो कुछ मुझे निर्देश इस हाउस ने दिया है, जो पत्रवलियां मैंने देखी हैं, उनका निष्कर्ष मैं सदन के सामने रखता हूं।

RULING BY THE CHAIRMAN

On issues arising out of the 54th Report of the Public Accounts Committee (2003-2004) which was Laid on the Table of the Rajya Sabha on the 6th August, 2003

MR. CHAIRMAN: Hon. Members, on August 7, Shri Suresh Pachouri had raised the issue in the Question Hour demanding urgent discussion on the Government having not made available CVC's Report and complete documents to the PAC whose 54th Report was laid on the Table of the House the previous day (August 6).

In the afternoon of August 7, this matter was taken up in the .meeting of BAC. Some Members drew attention to the fact that in the Report, PAC had observed that the Ministry of Defence had refused to supply the CVC Report on the defence deals and that in the absence of such a vital document, PAC had regretted its inability to give findings on the defence procurement transactions reported in the C&AG's Report. Some other Members stated that there was no CVC report on OP Vijay (Army) and PAC appeared to have raised an uncalled for controversy about non-submission of a report which, really, did not exist. It was, therefore, felt that the key issue was to ascertain the facts about the investigation conducted

or Report made by the CVC on defence transactions relating to 'procurement for OP Vijay (Army)' and that I, as Chairman, may go through the relevant papers relating to the 54th Report of the PAC, ascertain 'facts and take a decision. The BAC was also apprised of the letter received from Minister of Defence seeking time to make a statement in the House to clarify the issues raised in the Report of the PAC.

The matter was raised in the House on the 8th morning seeking a discussion on the notice moved by Shri Suresh Pachouri for suspension of Question Hour under Rules 267 and 38 and "to initiate a discussion on the refusal of Government to provide relevant documents and information to PAC pertaining to Operation Vijay". I had apprised the House that, as discussed at the meeting of the BAC held the previous afternoon, I would go through the relevant papers to ascertain the facts and then apprise the House accordingly.

Hon. Members, the PAC, in para 6 of its Report, had stated that they had requested the Ministry of Defence to make available the CVC Report on "Defence deals" for reference and the Ministry had declined to do so. The PAC had never requested for the CVC Report on procurement transaction relating to OP Vijay (Army).

On careful consideration of the relevant document received from the Lok Sabha Secretariat, the factual position emerges as follows:

'The genesis of CVC's Report on defence deals lies in the decision taken by the Minister of Defence to request CVC *(vide* letter of 14.2.2000) to investigate/study the defence deals since 1989 in the background of certain allegations made during Short Duration Discussion in Rajya Sabha on 23rd December 1999, and also in a writ petition filed in Delhi High Court by Rear Admiral S.V. Purohit. The terms of reference of investigation into the defence deals since 1989 were as follows:-

- All major contracts entered into by the MoD and the Services Headquarters for defence procurements since the ban on involvement of agents was imposed by the Government.

- The contracts in respect of which specific allegations have been made by Shri Jayant Kumar Malhotra, Ex-MP in the Parliament in the course of Short Discussion.

- Allegations of irregularities and corruption made in the writ petition of Rear Admiral S.V. Purohit.

- Cases-of contracts worth Rs. 75 crore and more in value.

- Cases in which advance of 10% or more has been made.

The PAC had written to CVC on 22.08.2001 as follows:-

"The Public Account Committee of Parliament are examining the. accounts of the Ministry of Defence and the audit observations thereon for the past few years. In this context, the Chairman, PAC, Shri Narayan Dutt Tlwari has desired that the CVC may be requested to furnish one copy each of the Reports given by the Central Vigilance Commission on any aspect of the functioning of the Ministry of Defence for his perusal." The CVC, *vide* their letter dated 23.O8.2001 responded that an "Interim Report on the subject of defence deals was submitted to the Government on 7th August, 2000 and the final Report was submitted on 31st March, 2001. As the Reports were based on secret and top secret documents of the Ministry of Defence, the Reports have also been classified as secret." CVC also advised that "the files concerned with the Reports are with the Ministry of Defence", and as such "PAC may like to take up the matter with the Ministry of Defence so far as the submission of the CVC Reports on the defence deals are concerned".

CVC, *vide* their letter dated 23.8.2001, had also conveyed to PAC Secretariat that Reports submitted to the Ministry of Defence by CVC were confined to the study on the 'defence deals' entrusted as per terms of reference conveyed to CVC by MoD.

PAC at its sitting held on 19th December, 2001 decided to take up for detailed examination the entire Report of C&AG on "Review of Procurement for OP Vijay (Army)", which had been tabled in Parliament on 11th December, 2001.

In the above context, PAC asked the Ministry of Defence to make available the CVC Report on defence deals. *Vide* their letter dated 17th January, 2002, Ministry of Defence declined to submit the CVC Report on defence deals on the plea that it is based on secret and top secret documents of the Ministry of Defence as also on the Reports of IB and CBI, and that under proviso to Rule 270 of the Rules of Procedure and Conduct of Business in Lok Sabha, the Ministry of Defence is not in a position to supply a copy of the CVC Report on defence deals as it would be prejudicial to the interest of the State.

PAC Secretariat wrote to the CVC on 4th June, 2003, (with reference to news 'item under the caption' "CVC to meet George over Defence Deals", appearing in the *Indian Express* dated 22nd May, 2003) to make available for perusal of the PAC a Factual Note on the serious lapses reportedly detected by CVC in the process of the scrutiny of defence procurements. In response to this, the CVC sent a Factual Note on "investigations into defence procurements" on 27th June, 2003. However, this Note has not yet been considered by the PAC. Without taking up for consideration the CVC's Factual Note on "Investigations into defence procurements", the PAC went ahead to finalise its 54th Report. Some hon. Members have also pointed out that the prescribed procedure and practice for drafting of the Minutes and the Report of the Committee were not observed.

On the basis of the above facts, available documents and relevant papers, I find that CVC was neither assigned nor has conducted any investigations *or* given any Report as such on the subject of 'procurement for OP Vijay (Army)'. CVC had confirmed this to the PAC Secretariat. "However, as a measure of abundant caution, I asked the Secretary-General to recheck with CVC. CVC has reconfirmed in writing that, "CVC has not conducted any investigations into procurements for OP Vijay (Army) i.e. related to the Kargil Operations".

In regard to investigation into defence deals conducted by CVC on the request of MoD, out of all the items taken up for investigation, only 2

items appear to relate to procurement for OP Vijay (Army); these items find due mention in the "Factual Note" submitted by CVC to PAC Secretariat on June 27. These have not yet been considered by PAC even though the Factual Note was sought by PAC Secretariat expeditiously for being placed before the Committee. As such consideration of this matter by the PAC at this stage does not appear complete. A discussion now on this matter in this House would, therefore, not be appropriate.

Hon. Members, I have put before you the above facts as well as my conclusions as per my assurance to you in the House as also at the meeting of the BAC. Thank you.

SHRI NILOTPAL BASU (West Bengal) : Sir, *...(Interruptions)...*

MR. CHAIRMAN: Shri Murli Manohar Joshi, *...(Interruptions)...*बोलिए, बोलिए।

मानव संसाधन विकास मंत्री, विज्ञान और प्रौद्योगिकी मंत्री तथा महासागर विकास मंत्री (**डा. मुरली मनोहर जोशी**) **:** मैं बोल रहा हूं सर। सभापति महोदय ...(**व्यवधान**)...

श्री सुरेश पचौरी (मध्य प्रदेश) **:** सर, कृपापूर्वक यह भी पता कर लें ...(**व्यवधान**)...

श्री सभापति : नहीं, नहीं, अब आपका नहीं है।That matter is closed. *...(Interruptions)...*

डा. मुरली मनोहर जोशी : सभापति महोदय ...(**व्यवधान**)...

GOVERNMENT MOTION

For consideration of the Science and Technology Policy, 2003

मानव संसाधन विकास मंत्री, विज्ञान और प्रौद्योगिकी मंत्री तथा महासागर विकास मंत्री (**डा. मुरली मनोहर जोशी**) **:** सभापति महोदय, सरकार की विज्ञान तथा प्रोद्योगिकी नीति,2003 जो 7 मार्च, 2003 को इस सदन के सभा पटल पर प्रस्तुत की जा चुकी है, मैं इस सदन के समक्ष उस पर चर्चा करने का अनुरोध कर रहा हूं। मैं आशा करता हूं कि सदन इस नीति पर व्यापक चर्चा करेगा औऱ सुझाव देगा जिससे हम इस नीति का अमुपालन देश के हित मे, विज्ञान तथा टेक्नोलॉजी की नीति के क्रियान्वयन में कर सकेंगे।

सभापति जी, हमारे देश में विज्ञान की बहुत पुरानी परंपरी रही है। हमारे देश का वैज्ञानिक क्षितिज अति प्राचीन काल से बहुत विस्तृत था। विज्ञान से संबंधित कोई भी ऐस विषय